

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIATHE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA,

Plaintiff,

No. C 07-2721 PJH

v.

**ORDER DENYING MOTION FOR  
ATTORNEY'S FEES AND COSTS**INDEMNITY INSURANCE COMPANY  
OF NORTH AMERICA,

Defendant.

Plaintiff filed this action on April 10, 2007, in the Superior Court of California, County of Alameda. Defendant removed the case on May 23, 2007, alleging diversity jurisdiction under 28 U.S.C. § 1332. Plaintiff moved for an order remanding the case, and the motion was granted on August 3, 2007.

Plaintiff now seeks \$5,155.50 in attorney's fees and costs for improper removal, pursuant to 28 U.S.C. § 1447(c). Defendant opposes the motion, arguing that it had objectively reasonable grounds for believing that removal was proper, and also asserting that the amount requested is excessive.

The court finds that the motion must be DENIED. While it is true that the court agreed with plaintiff that the case should be remanded, the court also determined that defendant's removal of the case was not entirely groundless. The court simply disagreed

1 with defendant's application of the legal standard.

2 The date for the hearing on this motion, previously set for Wednesday, October 17,  
3 2007, is VACATED.

4

5 **IT IS SO ORDERED.**

6 Dated: October 12, 2007



7 PHYLLIS J. HAMILTON  
8 United States District Judge